

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00787-TNM**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
DEFENSE et al
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 04/06/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Elizabeth France**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-2465
Fax: (202) 871-6523
Email: beth.france@americanoversight.org
TERMINATED: 10/22/2019
LEAD ATTORNEY

Christine H. Monahan
AMERICAN OVERSIGHT
1030 15th Street, NW
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(202) 788-0606
Email: christine.monahan@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF DEFENSE

represented by **Brian J. Field**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2551
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF THE AIR
FORCE**

represented by **Brian J. Field**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
TRANSPORTATION**
TERMINATED: 10/15/2019

represented by **Brian J. Field**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

represented by

**FEDERAL AVIATION
ADMINISTRATION**
TERMINATED: 08/28/2019

Brian J. Field
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. GENERAL SERVICES
ADMINISTRATION**
TERMINATED: 08/28/2019

represented by **Brian J. Field**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/06/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5408715) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons)(France, Elizabeth) (Entered: 04/06/2018)
04/09/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (France, Elizabeth) (Main Document 2 replaced on 4/9/2018) (zmd). (Entered: 04/09/2018)
04/09/2018	<u>3</u>	ERRATA by AMERICAN OVERSIGHT <u>2</u> LCvR 7.1 Certificate of Disclosure – Corporate Affiliations/Financial Interests filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Certificate Rule LCvR7.1)(France, Elizabeth) (Entered: 04/09/2018)
04/09/2018		Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 04/09/2018)
04/09/2018	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 4/9/2018. (lctnm3) (ztd). (Entered: 04/09/2018)
04/09/2018	<u>4</u>	SUMMONS (7) Issued Electronically as to FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 04/09/2018)
04/27/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/23/2018. (Answer due for ALL FEDERAL DEFENDANTS by 5/23/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/23/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL AVIATION ADMINISTRATION served on 4/23/2018; U.S. DEPARTMENT OF DEFENSE served on 4/23/2018; U.S. DEPARTMENT OF THE AIR FORCE served on 4/23/2018; U.S. DEPARTMENT OF TRANSPORTATION served on 4/20/2018; U.S. GENERAL SERVICES ADMINISTRATION served on 4/20/2018 (Attachments: # <u>1</u> Exhibit A)(France, Elizabeth) (Entered: 04/27/2018)
05/17/2018	<u>7</u>	NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 05/17/2018)
05/17/2018	<u>8</u>	Consent MOTION for Extension of Time to <i>Respond to Plaintiff's Complaint</i> by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION (Field, Brian) (Entered: 05/17/2018)
05/21/2018		MINUTE ORDER granting Defendants' <u>8</u> Consent Motion for Extension of Time to Respond to Plaintiff's Complaint. Defendants shall now respond before or on June 13, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/21/2018. (lctnm3) (Entered: 05/21/2018)

05/21/2018		Set/Reset Deadlines: Defendants' response to Plaintiff's Complaint due by 6/13/2018. (hmc) (Entered: 05/21/2018)
06/12/2018	<u>9</u>	ANSWER to Complaint by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION.(Field, Brian) (Entered: 06/12/2018)
06/12/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before July 6, 2018. Signed by Judge Trevor N. McFadden on 6/12/2018. (lctnm3) (Entered: 06/12/2018)
06/13/2018		Set/Reset Deadlines: Joint Status Report due by 7/6/2018. (hmc) (Entered: 06/13/2018)
07/05/2018	<u>10</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 07/05/2018)
07/09/2018		MINUTE ORDER. Upon consideration of the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the parties shall continue to confer about the status of Plaintiff's FOIA requests and, by the first of each month, submit a joint status report on the progress of Defendants' response and the parties' discussions. It is further ORDERED that the parties shall, fourteen days after the Defendants' final production of documents, submit a joint status report for further proceedings, including, as necessary, a briefing schedule for dispositive motions. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/9/2018. (lctnm3) (Entered: 07/09/2018)
08/01/2018	<u>11</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 08/01/2018)
08/02/2018		MINUTE ORDER: Upon consideration of the parties' <u>11</u> Joint Status Report, it is hereby ORDERED that the parties will continue to confer about the status of Plaintiff's FOIA requests, and will submit monthly status reports to the Court on the 1st of each month. The parties shall submit a status report within 14 days of Defendants' final release of responsive records, indicating what issues, if any, remain in the litigation. Signed by Judge Trevor N. McFadden on 8/2/2018. (lctnm3) (Entered: 08/02/2018)
08/30/2018	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 08/30/2018)
10/01/2018	<u>13</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 10/01/2018)
11/01/2018	<u>14</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 11/01/2018)
11/30/2018	<u>15</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 11/30/2018)
12/31/2018	<u>16</u>	MOTION to Stay <i>in Light of a Lapse of Appropriations</i> by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL

		SERVICES ADMINISTRATION (Field, Brian) (Entered: 12/31/2018)
01/02/2019		MINUTE ORDER granting <u>16</u> Motion to Stay. Upon considering the Defendant's <u>16</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/2/2019.(lctnm2) (Entered: 01/02/2019)
01/28/2019	<u>17</u>	NOTICE of Restored Government Funding by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION (Field, Brian) (Entered: 01/28/2019)
01/29/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>17</u> Notice, the Court hereby lifts the stay in this case. The parties are ORDERED to resume filing monthly Joint Status Reports until the Defendants' final release of responsive records. The next report shall be filed on or before March 1, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/29/19. (lctnm3) (Entered: 01/29/2019)
01/29/2019		Set/Reset Deadlines: Joint Status Report due by 3/1/2019, and every month thereafter. (hmc) (Entered: 01/29/2019)
03/01/2019	<u>18</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 03/01/2019)
04/01/2019	<u>19</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 04/01/2019)
05/01/2019	<u>20</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 05/01/2019)
05/30/2019	<u>21</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 05/30/2019)
07/01/2019	<u>22</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 07/01/2019)
07/30/2019	<u>23</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 07/30/2019)
07/30/2019		MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Status Report, the parties are hereby ORDERED to appear for a Status Conference on August 28, 2019 at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 7/30/2019. (lctnm3) (Entered: 07/30/2019)
07/30/2019		Set/Reset Hearings: Status Conference set for 8/28/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 07/30/2019)
08/27/2019	<u>24</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION, U.S. GENERAL SERVICES ADMINISTRATION. (Field, Brian) (Entered: 08/27/2019)
08/27/2019	<u>25</u>	STIPULATION of Dismissal as to GSA and FAA by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 08/27/2019)
08/28/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 8/28/2019. Government's Motion for Summary Judgment due by 10/15/2019. Plaintiff's Opposition to Government's Motion for Summary Judgment

		and Cross–Motion due by 11/22/2019. Government's Reply in support of its Motion for Summary Judgment and Opposition to Plaintiff's Cross–Motion due by 12/20/2019. Plaintiff's Reply in support of its Cross–Motion due by 1/10/2020. (Court Reporter: Sara Wick.) (hmc) (Entered: 08/28/2019)
08/28/2019		MINUTE ORDER: Upon consideration of the parties' <u>25</u> Joint Stipulation of Dismissal, the Plaintiff's claims against the Federal Aviation Administration and General Services Administration are hereby DISMISSED per the terms of the stipulation. This order shall have no effect on the remaining claims. Each party shall bear its own costs, attorney fees, and expenses. Signed by Judge Trevor N. McFadden on 8/28/2019. (lctnm3) (Entered: 08/28/2019)
09/13/2019	<u>26</u>	NOTICE of Appearance by Christine H. Monahan on behalf of AMERICAN OVERSIGHT (Monahan, Christine) (Entered: 09/13/2019)
10/11/2019	<u>27</u>	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF TRANSPORTATION (Field, Brian) (Entered: 10/11/2019)
10/11/2019		MINUTE ORDER granting Defendants' <u>27</u> Motion for Extension of Time to File. The parties shall adhere to the following briefing schedule: Defendants shall file their Motion for Summary Judgment on or before October 22, 2019; Plaintiff's Opposition and Cross–Motion for Summary Judgment shall be due December 4, 2019; Defendants' Opposition and Reply shall be due December 27, 2019; and Plaintiff's Reply shall be due January 17, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/11/2019. (lctnm3) (Entered: 10/11/2019)
10/11/2019		Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 10/22/2019. Plaintiff's Opposition and Cross–Motion for Summary Judgment due by 12/4/2019. Defendants' Opposition and Reply due by 12/27/2019. Plaintiff's Reply due by 1/17/2020. (hmc) (Entered: 10/11/2019)
10/15/2019	<u>28</u>	STIPULATION of Dismissal <i>as to DOT</i> by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 10/15/2019)
10/15/2019		MINUTE ORDER: Upon consideration of the parties' <u>28</u> Joint Stipulation of Dismissal, the Plaintiff's claims against the U.S. Department of Transportation are hereby DISMISSED per the terms of the stipulation. This order shall have no effect on the remaining claims. Each party shall bear its own costs, attorney fees, and expenses. Signed by Judge Trevor N. McFadden on 10/15/2019. (lctnm3) (Entered: 10/15/2019)
10/22/2019	<u>29</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN OVERSIGHT. Attorney Elizabeth France terminated. (France, Elizabeth) (Entered: 10/22/2019)
10/22/2019	<u>30</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration)(Field, Brian) (Entered: 10/22/2019)
12/04/2019	<u>31</u>	Cross MOTION for Summary Judgment by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Christine H. Monahan, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Statement of Facts)(Monahan, Christine) (Entered: 12/04/2019)
12/04/2019	<u>32</u>	Memorandum in opposition to re <u>30</u> MOTION for Summary Judgment filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration Christine H. Monahan, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Statement of Facts)(Monahan, Christine) (Entered: 12/04/2019)